THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.20856 OF 2005

Dated 23rd September 2005

Between:

Medapati Buli Satti Reddy

…Petitioner

And

The Addl.Agent to the Government,

E.G.District, at Rampachodavaram & others

…Respondents

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O R D E R:

The 4th respondent filed a complaint before the second respondent, against the petitioner, alleging that the purchase of land in Sy.Nos.112, 50 and 75 of K.Yerrampalem village of Rampachodavaram Mandal, by the petitioner, is contrary to the provisions of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1 of 1959, read with Regulation 1 of 1970, for short "the Regulations". Subsequently, the 5th respondent was impleaded as second petitioner. On hearing both the parties, the second respondent passed an order, dated 24.8.2005, directing eviction of the petitioner and resumption of the land, from him. Aggrieved thereby, the petitioner preferred an appeal before the first respondent, together with an application for stay. His grievance is that the first respondent has not passed any orders in the application for stay, and in the mean while, the respondents 3 to 5 are taking steps to

dispossess the petitioner.

Heard the learned counsel for the petitioner, learned Government Pleader for Tribal Welfare, for respondents 1 to 4, and Sri K.Bala Gopal, learned counsel for respondent No.5.

The second respondent passed an order of eviction, against the petitioner, in exercise of powers under the Regulations. The petitioner availed the remedy of appeal, by presenting the same before the first respondent. The Regulations confer power to grant interim orders upon the first respondent. The grievance of the petitioner is that though the application for stay was filed, along with the appeal itself on 17.9.2005, no orders have been passed thereon, and in the mean while, the respondents 3 and 4 are taking steps to dispossess him.

In the very nature of things, if the petitioner is dispossessed from the land, even while his statutory appeal is pending before the first respondent, nothing remains to be decided in it. For all practical purposes, the appeal is treated, as a continuation of original proceedings.

Therefore, the writ petition is disposed of, directing that during the pendency of the appeal, before the first respondent, the order dated 24.8.2005, passed by the second respondent, shall remain suspended. The first respondent shall dispose of the appeal itself, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

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23rd September 2005

Note: Issue C.C. in two days

(B/o)

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